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In re Application of
AARONS, David John, et al.
U.S. Application No.: 09/423,484
PCT No.: PCT/GB98/01155
International Filing Date: 07 May 1998
Priority Date: 07 May 1997
Attorney's Docket No.: P9153
For: GAS DISCHARGE LAMP DRIVE
CIRCUITRY

DECISION ON RENEWED
PETITION UNDER
37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" filed on 04 October 2000. No additional petition fee is required.

BACKGROUND

In a decision dated 29 June 2000, this Office dismissed applicants' original petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide: (a) an oath or declaration by the other inventor on behalf of himself and the non-signing inventor; and (b) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

On 04 October 2000, applicant filed the "Renewed Petition Under 37 CFR 1.47(a)" considered herein. Included with the renewed petition were the following: (1) a petition for a one month extension of time to respond to the previous decision, including payment for the extension; (2) a Response to the previous decision; (3) Affidavits executed by Leslie David Aarons and Robert A. McLean; (4) an executed declaration; and (5) a small entity statement. Based on the petition for a one month extension of time, the accompanying fee, and the certification that this submission was mailed on 29 September 2000, the 04 October 2000 filing is considered a timely response to the previous decision.

DISCUSSION

With respect to the declaration, applicants have corrected the previously filed declaration by crossing out the reference to the priority application on page two of the declaration, such action being initialed by the executing party. This resolves the ambiguity pointed out in the

previous decision regarding what specification was executed by this declaration. Accordingly, item (3) of the requirements for a grantable petition is now satisfied.

As for item (4), the previous decision stated that applicants had failed to satisfy this requirement because they did not provide adequate, firsthand evidence that the complete application papers had been sent to the nonsigning inventor, and because they did not provide a statement from the person to whom the nonsigning inventor had made his express refusal to sign. As part of the Renewed Petition, applicants have submitted an affidavit by Leslie David Aarons in which he states that, in addition to the declaration and small entity statement, he sent to the nonsigning inventor "a copy of the specification, claims, and drawings for the application" (paragraph 6). Applicants have also submitted an affidavit by Robert A. McLean to whom the nonsigning inventor made his express refusal to execute the application. These affidavits satisfy the deficiencies identified in the previous decision. Item (4) is therefore satisfied.

Based on the above, applicants have now satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). Accordingly, the petition is granted, and the application is accepted without the signature of nonsigning inventor John Mullenger.

Finally, in response to the letter filed by applicants on 31 July 2000 requesting clarification of a \$10 charge made to applicants' Deposit Account, applicants are informed that this \$10 charge, when coupled with the separate \$110 charge made to applicants' Deposit Account on the same date, represents the \$120 in total additional fees required by the decision mailed on 29 June 2000 (an additional \$65 as the surcharge for filing the declaration after the 30 month deadline, and an additional \$55 for the extension fee, bringing applicants' total payments for these fees to the required amounts).

CONCLUSION

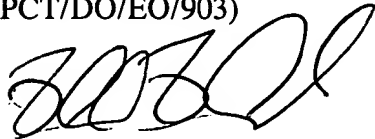
The petition under 37 CFR 1.47(a) is **GRANTED**.

The declaration filed on 04 October 2000 is accepted without the signature of inventor John MULLENGER.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record as set forth in the petition, and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application has an international filing date of 07 May 1998 under 35 U.S.C. 363 and a date of 04 October 2000 under 35 U.S.C. 102(e) and 371(c).

The application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accordance with this decision, including the mailing of a Notification Of Acceptance Of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903)



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In re Application of AARONS, David John, et al.
U.S. Application No.: 09/423,484
PCT No.: PCT/GB98/01155
International Filing Date: 07 May 1998
Priority Date: 07 May 1997
Attorney's Docket No.: P9153
For: GAS DISCHARGE LAMP DRIVE CIRCUITRY

Dear Mr. Mullenger:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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